

EXHIBIT M

October 2019 Williams Opinion



Neutral

As of: June 25, 2021 11:13 PM Z

Kraft v. Williams

United States District Court for the District of Arizona

October 7, 2019, Decided; October 7, 2019, Filed

No. CV-19-05181-PHX-JJT

Reporter

2019 U.S. Dist. LEXIS 174601 *

Rune Kraft, Plaintiff, v. Scott E. Williams, et al., Defendants.**Subsequent History:** Dismissed by, Motion denied by, As moot [Kraft v. Williams, 2019 U.S. Dist. LEXIS 205289 \(D. Ariz., Nov. 25, 2019\)](#)**Prior History:** [Gainey Ranch Cmty. Ass'n v. Kraft, 2017 U.S. Dist. LEXIS 157254 \(D. Ariz., Sept. 26, 2017\)](#)**Core Terms**

granting of a motion, order of the court, fail to respond, take notice, provisions, summarily, advises, warned

Counsel: [*1] **Rune Kraft**, Plaintiff, Pro se, Wilmington, DE.

For Scott E Williams, Defendant: Scott Edward Williams, LEAD ATTORNEY, Williams Zinman & Parham PC, Scottsdale, AZ.

Judges: Honorable John J. Tuchi, United States District Judge.**Opinion by:** John J. Tuchi**Opinion****ORDER**

On October 4, 2019, Defendant Scott E. Williams ("Defendant") filed a Motion to Dismiss (Doc. 18). Because Plaintiff is acting *pro se* in this matter, the Court advises Plaintiff of the following:

I. [RULE 7.2\(i\)](#) CAUTIONARY NOTICE

[LRCiv 7.2\(i\)](#) states in relevant part: "[I]f the opposing party does not serve and file the required answering memoranda . . .

such non-compliance may be deemed a consent to the denial or granting of the motion and the Court may dispose of the motion summarily." See [Brydges v. Lewis, 18 F.3d 651, 652 \(9th Cir. 1994\)](#). Plaintiff should take notice that failure to respond to Defendant's Motion by the deadline set forth in this Order will result in the Court deeming Defendant's Motion as being unopposed and consented to by Plaintiff. See *id.* (affirming the district court's summary granting of a motion for summary judgment under [Local Rule 7.2\(i\)](#) when non-moving party was given express warning of consequences of failing to respond).

It is Plaintiff's obligation to timely respond to all motions. Defendant's Motion will be summarily [*2] granted if Plaintiff fails to respond in accordance with the provisions of this Order.

II. [RULE 41](#) CAUTIONARY NOTICE

Plaintiff should also take notice that if he fails to timely comply with every provision of this Order, or any other Order of the Court entered in this matter, Plaintiff's Complaint and this action may also be dismissed pursuant to [Rule 41\(b\) of the Federal Rules of Civil Procedure](#). See [Ferdik v. Bonzelet, 963 F.2d 1258, 1260 \(9th Cir. 1992\)](#) (holding that the district court may dismiss an action for failure to comply with any order of the court), *cert denied*, 506 U.S. 915, 113 S. Ct. 321, 121 L. Ed. 2d 242 (1992). Therefore, Plaintiff is warned that failure to strictly adhere to the provisions of this or any other Court Order may result in dismissal of the Plaintiff's Complaint pursuant to [Rule 41](#).

The Court also advises Plaintiff that certain resources for self-represented parties, including a handbook and the Local Rules, are available on the Court's website, www.azd.uscourts.gov, by following the link "For Those Proceeding Without an Attorney."

Accordingly,

IT IS ORDERED that Plaintiff shall file with the Clerk of the Court and serve on opposing counsel a responsive memorandum to Defendant's Motion to Dismiss (Doc. 18) no

Roger Higgins

later than October 25, 2019.

Dated this 7th day of October, 2019.

/s/ John J. Tuchi

Honorable John J. Tuchi

United States [*3] District Judge

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